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TASHA KAY JAHN  
ANDREW M. GIBSON

March 27, 2007

Honorable Wayne D. Brazil  
United States District Court  
Northern District of California  
1301 Clay Street, Suite 400S  
Oakland, CA 94612-5212

Re: Miller v. Clarke Mosquito Control, et al.  
USDC Case No.: CV-C 05 00203  
Our File No.: 1856

Dear Magistrate Brazil:

Our office represents Bayer CropScience LP in the above matter. Bayer CropScience is a third party defendant brought in by Clarke Mosquito Control. Bayer was not sued by plaintiff and indeed plaintiff contends that the product manufactured by Bayer was not the product that caused her injuries and damages for which she claims relief herein.

Mediation in the above matter is scheduled for April 5, 2007 before Nancy J. Foster. My client, Bayer CropScience, has a very high self-insured retention far beyond any possible exposure Bayer has in this case. The Bayer CropScience person with settlement authority in this case and the person who will be participating in the mediation is Matt S. Harding, Assistant General Counsel, Bayer CropScience in North Carolina.

It would be very inconvenient and expensive for Mr. Harding to attend the mediation. I note that Clarke Mosquito Control's counsel has obtained authority for his representative to attend via telephone. We respectfully request that Mr. Harding be allowed to appear by telephone as well.

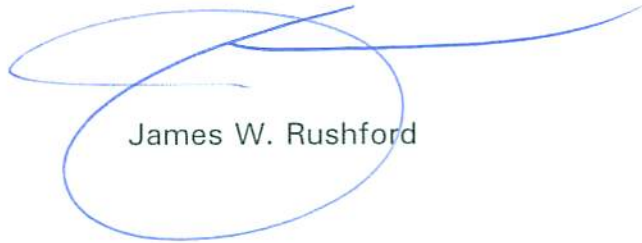
Honorable Wayne D. Brazil  
Re: Miller v. Clarke  
March 27, 2007  
Page 2

I am not aware of any party objecting to our principals appearing by phone. My understanding is that the mediator has no objection as well.

Thank you for your consideration.

Very truly yours,

**RUSHFORD & BONOTTO, LLP**



James W. Rushford

JWR:rp  
cc: All Counsel

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Attorneys for Cross-Defendants,  
BAYER CROPSCIENCE LP

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHELLE MILLER,

Plaintiff,

vs.

CLARKE MOSQUITO CONTROL, an  
Illinois Corporation; DOW CHEMICAL,  
dba DOW AGROSCIENCES an Indiana  
Corporation; DOE Defendants, and  
DOES 1 to 20,

Defendants.

CLARKE MOSQUITO CONTROL, an  
Illinois Corporation,

Cross-Complainant,

vs.

AVENTIS ENVIRONMENTAL SCIENCES  
USA, LP, BAYER INDUSTRIES,  
ADAPCO, INC. and ROES 1 to 50,

Cross-Defendants.

Case No.: CV-C 05 00203 JSW

**[PROPOSED] ORDER RE BAYER  
CROPSCIENCE LP'S REPRESENTATIVE  
TO ATTEND MEDIATION VIA  
TELEPHONE**

**Mediation Cut Off: 6/1/07**

**Further CMC: 9/14/07**

**Dispositive Motions: 9/14/07**

**Pre-Trial Conference: 11/13/07**

**Trial: 12/10/07**

1 Cross-defendant BAYER CROPSCIENCE LP'S request to have its  
2 representative attend the mediation via telephone is hereby:

3 ☒

GRANTED:

4 ☐

DENIED:

5 IT IS FURTHER ORDERED: Outside Counsel must appear in person.  
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7 Dated: 3/27/07



8 MAGISTRATE WAYNE BRAZIL  
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